

Minutes  
Board of County Commissioners  
Hyde County

March 3, 2008

Chairman Charles Spencer called to order the Regular meeting of the Hyde County Board of Commissioners at 7:00 PM on Monday, March 3, 2008 in the Multi-Use Room in the Government Center, Swan Quarter, NC. The following members were present: Alice Armstrong, Gene Ballance, Tom Davis, Barry Swindell, and Charles Spencer. Also present were Interim County Manager, Carl Classen; County Attorney, Sid Hassell; Clerk to the Board, Lois Stotesberry; and members of the public.

Following a pledge of allegiance to the flag and opening prayer by Mr. Spencer, the meeting was called to order.

Agenda:

Chairman Spencer asked for any changes to the March 3, 2008 meeting Agenda as presented by the Clerk. Commissioner Swindell moved to accept the Agenda with the addition of: Item II.A. – Public Comments – Roger Thorps – Coastal Stormwater Rules Amendment Presentation; Other Matters – Item V.D. – HMGP Elevation Contract Awards and Change Order, Item E – NCHFA-SFR Post-Approval Documentation and Program Assistance Policy, Item F – NCHFA-SFR Administration Contract Award by Chris Hilbert, Holland Consulting Planners; and Item VII. Closed Session – Personnel and Legal Counsel; also with deletion of Item VI.A.i. – Boards and Committees – Subdivision Ordinance Amendment Committee. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Consideration of Minutes:

Chairman Spencer asked for approval of the draft February 18, 2008 meeting minutes. Commissioner Davis moved to approve the February 18, 2008 minutes as amended. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Public Comments:

Chairman Spencer called for comments from the public.

Odessa Jarvis, Swan Quarter, opposes tearing down the Old Courthouse and asked the Board to look into Courthouse parking.

Roger Thorp, NCDENR, presented a comparison chart showing EMC (Environmental Management Commission) changes to Coastal Stormwater Rules. The purpose of this rulemaking is to amend the Coastal Stormwater Rules, in order to protect this State's aquatic resources. The amended Rules will become effective August 1, 2008 if approved. Mr. Thorp reviewed changes between the existing rules and the new rules.

Ordinances – Far Creek Dredging Spoils Site Project Amendment:

Interim County Manager Carl Classen reported on completion of the Far Creek Dredging Project. Project expenses were over budget due to late requirements from the Corps of Engineers at a cost to the County of \$1,423.47. Commissioner Davis moved to approve amendment of the Project Ordinance to pay the additional expense of \$1,423.47. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

*CERK'S NOTE: A copy of the approved "Far Creek Dredging Spoils Site Project Ordinance" is attached hereto as Exhibit A and incorporated herein by reference.*

Resolutions – Reasonable Access to Cape Hatteras National Seashore Beaches:

Per Commissioners prior action, Hyde County is a party with Dare County in the litigation defending reasonable access to Cape Hatteras National Seashore beaches. Allowing beach access closure would have a negative economic impact on Hyde County. Commissioner

Davis moved to adopt and send a Resolution to Support Cape Hatteras National Seashore Beach Access to the Hyde County Congressional Delegation. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

*CLERK'S NOTE: A copy of the "Resolution to Support Cape Hatteras National Seashore Beach Access" is attached herewith as Exhibit B and incorporated herein by reference.*

Resolutions – NCDOT Secondary Road Additions – Lakeview Subdivision and Hacienda Heights Subdivision:

Residents of Hacienda Heights Subdivision and Lakeview Subdivision have requested addition to the NC DOT, Division of Highways State Maintained Road System. Chairman Spencer moved to approve and send Form SR-2 "North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System" to NC DOT for review and to take over the road maintenance for Hacienda Heights Subdivision road and Lakeview Subdivision road if they meet established standards and criteria. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

*CLERK'S NOTE: A copy of the "Resolution to Support North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System – Hacienda Heights Subdivision Road" is attached herewith as Exhibit C and incorporated herein by reference.*

*CLERK'S NOTE: A copy of the "Resolution to Support North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System – Lakeview Subdivision Road" is attached herewith as Exhibit D and incorporated herein by reference.*

Other Matters:

Budget Ordinance Amendment:

After discussion regarding budget amendments for the Soil and Water Conservation, Cooperative Extension and Water departments; Commissioner Spencer moved to approve the budget amendments as presented. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

*CLERK'S NOTE: A copy of the "Budget Ordinance Amendment" is attached herewith as Exhibit E and incorporated herein by reference.*

Budget Revision – Solid Waste Transition Costs:

Interim County Manager, Carl Classen presented a summary of estimated transition costs implementing the Solid Waste Service and Fee Plan. An alternative fee schedule (in lieu of the dumpster charge) for commercial solid waste on Ocracoke is still a rough draft. If no alternative to the dumpster fee is adopted prior to implementation (estimated May 1), then the dumpster fee will go into effect. Commissioner Davis moved to approve amending Budget Ordinance Amendment by authorizing expenditures up to \$57,000 (\$51,767 plus 10% contingency) for transition costs relating to implementing the Solid Waste Service Plan and direct that an alternative to the Ocracoke Commercial Solid Waste Fee be developed. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Board of Equalization and Review:

State law requires the County Commissioners to establish the date for the Board of Equalization and Review, which meets to hear appeals of property tax assessments.

Commissioner Swindell moved that the Hyde County Board of Equalization and Review will convene beginning at 6:00 PM on April 7, 2008 in the Multi-Use Room of the Government Center, Hyde County, and direct the County Manager to work with the Tax Administrator to post and publish notice of the meeting and the work of the Board as required. Ms. Armstrong

seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### Wildlife Acres Subdivision - Fairfield Township:

Gregory C. Gibbs (Gibbs, Gibbs, White & Gibbs) submitted a Subdivision Application for a ten (10) lot subdivision ranging in size from 0.90 acre to 1 acre titled “Wildlife Acres Subdivision.”

Alice Keeney, County Economic Developer/Planner, stated she had reviewed the application and finds that it is in general conformity with Hyde County Subdivision Ordinance.

Mr. Gibbs reported that Hugh Watson, Health Inspector, requested a ditch around the property and that restricted covenants will be in place. Mr. Gibbs also stated that no commercial lots are included in the Subdivision.

After discussion, Commissioner Davis moved to approve the “Wildlife Acres Subdivision” with the following conditions:

- A. The applicant shall, prior to recording final plat, install a ditch around the property as requested by the Hyde County Health Department;
- B. The applicant shall obtain letters as recommended and/or valid signatures for all signature blocks as shown on the “Wildlife Acres Subdivision” subdivision application plat;
- C. Authorize the Chairman of the Board of Commissioners to sign the appropriate signature block on behalf of the Hyde County Board of Commissioners;
- D. The application is found by the Plat Review Officer to otherwise be in accordance with the Hyde County Subdivision Ordinance; and,
- E. The Plat Review Officer may not sign the plat until all of the above conditions have been met. The Plat Review Officer is hereby authorized to approve minor amendments to the Subdivision Application following approval by the Board of Commissioners and shall report such changes approved to the Board of Commissioners at their next Regular Meeting.

As per the Subdivision Ordinance, “Wildlife Acres Subdivision” as presented shall be recorded in the Hyde County Registry within ninety (90) days of the meeting when the Board of Commissioners has approved the Subdivision Application or such approval by the Board of Commissioners shall be null and void.

Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### HMGP Elevation Contract Award and Change Order:

Chris Hilbert, Holland Consulting Planners, reviewed a summary of bids, which include access improvements for H013 (540 Main St., Swan Quarter) and a change order to add a necessary handicap ramp to H018 (163 Main St., Swan Quarter). After review and discussion of the bid awards recommended, Commissioner Davis moved to approve the contract awards as submitted for H013 (540 Main St., Swan Quarter) for \$2,550.00, and change order for H018 (163 Main St., Swan Quarter) for \$9,300.00. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### NCHFA-SFR Post-Approval documentation and Program Assistance Policy

Chris Hilbert, Holland Consulting Planners, reviewed with the Board the “Hyde County 2008 NCHFA Single-Family Rehabilitation Program Assistance Policy”. The Policy serves as an outline of administrative policies, guidelines and procedures necessary to establish an effective NCHFA Single-Family Rehabilitation program for Hyde County. Hyde County has

received \$200,000.00 from the North Carolina Housing Finance Agency's Single-Family Homeowner Rehabilitation Program to rehabilitate five dwelling units located at scattered sites in Hyde County. No local match is required.

Commissioner Swindell moved to approve the "Hyde County Program Assistance Policy" as submitted, to approve the Chairman to sign policy documentation from NCHFA, and to authorize the Chairman and staff to execute as needed. Mr. Davis seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### NCHFA-SFR Administration Contract Award:

Chris Hilbert, Holland Consulting Planners, reviewed with the Board the budget for the Hyde County NCHFA-SFR (Single-Family Rehabilitation) program. Mr. Hilbert is requesting a contract for project management for \$32,000.00 administered by Holland Consulting. Commissioner Armstrong moved to approve the Administration Contract with deletion of publication costs and with the County paying accounting costs only. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

#### Boards and Committees:

JOINT SCHOOL FACILITIES COMMITTEE – Commissioner Ballance and Spencer gave an update on the committee's progress to date. Interim County Manager Carl Classen recommended both the Joint School Facilities Committee and the Board of Education representatives meet to discuss school improvements.

JAIL USE COMMITTEE – Commissioners Spencer and Swindell continue to research options available for possible use of the jail.

#### County Commissioners Report:

Commissioner Armstrong – reported that the Albemarle Commission has approved computer training for twenty-five children. The training will help prepare the children to go into the workforce. Ms. Armstrong would like to see the County hire a Narcotics Officer.

Commissioner Ballance – reported that Home Health care on Ocracoke is needed. A Hospice nurse visits from Engelhard. Hearing no objection, Chairman Spencer stated Home Health care will be further discussed during the March 17, 2008 Commissioners meeting on Ocracoke.

Mr. Balance reported the Information Highway upgrade at Mattamuskeet and Ocracoke Schools is a 100% improvement. Mr. Balance suggests holding Commissioners meetings at the schools to accommodate Ocracoke residents.

Commissioner Davis – no report.

Commissioner Spencer – reported Albemarle Mental Health continues to improve. Transporting prisoners with mental health needs is an ongoing problem for the Sheriff's Department. Mr. Spencer and Sheriff Mason are scheduled to meet to discuss ways to shorten prisoner transports.

Commissioner Swindell – reported that Mr. Wesley Smith, Interim Health Director, will begin work on March 24, 2008.

No other Board or Committee reports were offered so Chairman Spencer continued with the Agenda.

#### County Manager's Report:

Building Closeout: Interim County Manager, Carl Classen reported that the Government Center and Public Safety Center building closeouts are underway.

Water Department: Clint Berry, Water Department Manager, and Carl Classen, Interim County Manager met with representative of the USDA and NC Rural Center in Raleigh to discuss the Engelhard Water Treatment Plant.

Swan Quarter Dike Project: Mr. Classen will meet with Rodney Woolard, NRCS, in Tarboro to discuss beginning Phase XII of the Dike Project.

Drug Testing: The Hyde County employee drug testing program is scheduled to begin soon.

Salary Study: Department heads have been asked to review the draft employee handbook and salary plan provided by Ms. Becky Veazey, The MAPS Group. A list of questions and/or recommendations will be compiled for Ms. Veazey's review.

NC 12 Bridge Project: Mr. Classen reported that the NC 12 Bridge Project is sufficiently complete, to re-open the roadway. The bridges will re-open on Wednesday, March 5, 2008 at 5:00 PM.

NC 12 Center Turn Lane: Per Commissioners action in December 2007, a public hearing will be held on March 17, 2008 at the Ocracoke Community Building during the regular scheduled Commissioners Meeting at 7:00 PM.

Other Matters:

David Warren, EMS Director had been asked to find ways to increase public safety services to Hyde County residents and visitors. Mr. Warren presented the following three service provision options: Contracted 3<sup>rd</sup> Party Service, Central Station – No Service Change, and Central Station with Paramedic. He discussed the benefits and costs of each option. After discussion and hearing no objection, Chairman Spencer directed that this matter be further discussed at the next meeting.

Closed Session: Mr. Davis moved to enter Closed Session in accordance with NCGS 143-318.11 (a) (6) regarding personnel matters. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Mr. Davis moved to return from Closed Session. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Mr. Ballance moved to approve salaries paid to employees in the Tax Office through the meeting date. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

Mr. Davis moved to approve a ten percent increase in Sue Gurganus' salary during the period the Tax Administrator is on full or partial medical leave due to the increase work load in assessments and billings. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

There being no further matters to come before the Commissioners, Mr. Swindell moved to adjourn the meeting. Ms. Armstrong seconded the motion. The motion passed on the following vote: Ayes – Armstrong, Ballance, Davis, Swindell, and Chairman Spencer; Nays – none; Absent or Not Voting – none.

The meeting adjourned at 10:00 PM.

Respectfully submitted:

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Lois Stotesberry, Clerk to the Board of Commissioners

Minutes approved on \_\_\_\_\_

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Charles Spencer, Chairman  
Hyde County Board of Commissioners

ATTACHMENTS: Exhibit A – *“Project Ordinance”*  
Exhibit B – *“Resolution to Support Cape Hatteras National Seashore Beach Access”*  
Exhibit C – *“Resolution to Support North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System – Hacienda Heights Subdivision Road”*  
Exhibit D - *“Resolution to Support North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System – Lakeview Subdivision Road”*  
Exhibit E - *“Budget Ordinance Amendment”*